

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD ZEITLIN,

Defendant.

23 Cr. 419 (LAK)

DECLARATION OF ROBERT G. BERNHOFT

I, Robert G. Bernhoft, hereby declare under penalty of perjury that:

1. I represent Richard Zeitlin in this matter, and hereby execute this Declaration in support of Defendant's Unopposed Motion to Continue the Trial Date from April 2, 2024 to a date in September 2024.

2. Except as explicitly to the contrary, I have personal knowledge of the facts set forth in the Declaration and if called upon to testify could do so competently.

3. To date, Mr. Zeitlin's defense team has received eleven productions from the Government, with the first production on September 18, 2023 and the most recent production on January 5, 2024.

4. These eleven productions collectively contain more than 2.88 terabytes of discovery materials as follows:

09-18-23_1st Production: 0.000379TB
09-29-23_2nd Production: 0.07715TB
10-31-23_3rd Production: 0.69TB (Drive 1)
1.91TB (Drive 2)
11-03-23_4th Production: 0.00254TB
11-15-23_5th Production: 20TB drive with Cellebrite Reports and/or Axiom Portable Cases (Government reviewing for obligatory disclosures to defense)

11-16-23_6th Production: 0.02TB
11-21-23_7th Production: 0.0000423TB
11-22-23_8th Production: 0.18TB (compressed folders)
12-04-23_9th Production: 0.0005821TB
12-07-23_10th Production: 0.00409TB (first production of Axiom data)
01-05-24_11th Production: 0.0000128TB

Total ESI Discovery to Date: @ 2.88TB

5. Both the Government and Defense estimate that these 2.88 terabytes contain a minimum of over one-million document pages, and additional discovery materials are expected to be produced.

6. Depending on the Court's ruling on the Defendant's Motion to Suppress Evidence, the Government will also likely produce its seizures from the many electronic devices taken from the Defendant's La Madre residence and the Charleston office in Las Vegas.

7. Zeitlin's defense team commenced discovery review in earnest in early October 2023 upon receipt of the first large ESI discovery production of approximately 77GB.

8. A second discovery production followed on October 31, 2023, consisting of over 2.6TB, which is a huge ESI production that presented significant challenges of review and integration. The Zeitlin defense team made up of attorneys, paralegal and document reviewers has been diligently reviewing and culling that ESI dataset ever since.

9. Even with the application of all reasonable diligence and labor allocations, Zeitlin's defense team requires substantial additional time to complete this discovery review, then integrate the review into defense preparation. A thoroughgoing, competent review simply cannot be completed under the current timelines, with trial commencement approaching on April 2, 2024. Zeitlin's defense team requires the requested five-month continuance to discharge its duties of zealous advocacy to Zeitlin, and to competently prepare this case for trial.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury the foregoing is true and correct to the best of my information, knowledge, and belief.

Dated and executed on January 16, 2024
in Austin, Texas

/s/ Robert G. Bernhoft

Robert G. Bernhoft, Esq.